

the Assistant Secretary, in accordance with 29 CFR 1910.33(a)–(e) and (g)–(i).

(iii) The employer, upon request, shall make employee medical records required by paragraphs (n) and (o) of this section available for examination and copying to the subject employee, anyone having the specific written consent of the subject employee, and the Assistant Secretary, in accordance with 29 CFR 1910.33.

(8) *Transfer of records.* (i) The employer shall comply with the requirements concerning transfer of records set forth in 29 CFR 1910.33(h).

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the Director at least 90 days prior to disposal and, upon request, transmit them to the Director.

(p) *Observation of monitoring*—(1) *Employee observation.* The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of employee exposure to MDA conducted pursuant to paragraph (f) of this section.

(2) *Observation procedures.* When observation of the measuring or monitoring of employee exposure to MDA requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(q) *Appendices.* The information contained in appendices A, B, C, and D of this section is not intended, by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

APPENDIX A TO § 1926.60—SUBSTANCE DATA SHEET, FOR 4-4' METHYLENEDIANILINE

NOTE: The requirements applicable to construction work under this Appendix A are

identical to those set forth in Appendix A to § 1910.1050 of this chapter.

APPENDIX B TO § 1926.60—SUBSTANCE TECHNICAL GUIDELINES, MDA

NOTE: The requirements applicable to construction work under this Appendix B are identical to those set forth in Appendix B to § 1910.1050 of this chapter.

APPENDIX C TO § 1926.60—MEDICAL SURVEILLANCE GUIDELINES FOR MDA

NOTE: The requirements applicable to construction work under this Appendix C are identical to those set forth in Appendix C to § 1910.1050 of this chapter.

APPENDIX D TO § 1926.60—SAMPLING AND ANALYTICAL METHODS FOR MDA MONITORING AND MEASUREMENT PROCEDURES

NOTE: The requirements applicable to construction work under this Appendix D are identical to those set forth in Appendix D to § 1910.1050 of this chapter.

[57 FR 35681, Aug. 10, 1992, as amended at 57 FR 49649, Nov. 3, 1992; 61 FR 5510, Feb. 13, 1996; 61 FR 31431, June 20, 1996; 63 FR 1296, Jan. 8, 1998; 69 FR 70373, Dec. 6, 2004; 70 FR 1143, Jan. 5, 2005; 71 FR 16674, Apr. 3, 2006; 71 FR 50191, Aug. 24, 2006]

§ 1926.61 Retention of DOT markings, placards and labels.

NOTE: The requirements applicable to construction work under this section are identical to those set forth at § 1910.1201 of this chapter.

[61 FR 31432, June 20, 1996]

§ 1926.62 Lead.

(a) *Scope.* This section applies to all construction work where an employee may be occupationally exposed to lead. All construction work excluded from coverage in the general industry standard for lead by 29 CFR 1910.1025(a)(2) is covered by this standard. Construction work is defined as work for construction, alteration and/or repair, including painting and decorating. It includes but is not limited to the following:

(1) Demolition or salvage of structures where lead or materials containing lead are present;

(2) Removal or encapsulation of materials containing lead;